



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David L. Kaplan, Juliette Fuhrman and Richard A. Gross

Application No.: 10/767,836 Group: 1645

Filed: January 29, 2004 Examiner: Robert A. Zeman

Confirmation No.: 2982

For: EMULSAN ADJUVANT IMMUNIZATION FORMULATIONS AND USE

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| CERTIFICATE OF MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 | |
| on <u>11-17-2006</u> | <u><i>Amy T. Comeau</i></u> |
| Date | Signature |
| Amy T. Comeau | |
| Typed or printed name of person signing certificate | |

TRANSMITTAL OF SUBSTITUTE SEQUENCE LISTING

Mail Stop Sequence
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P.O. Box 1450
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Sir:

This Transmittal of Substitute Sequence Listing is submitted in response to the Notice to Comply with Sequence Requirements mailed from the Patent Office on September 26, 2006. A copy of the Notice to Comply is enclosed.

A Petition to extend the shortened statutory period for one month, from October 26, 2006 to November 26, 2006, and the appropriate fees are being filed concurrently.

Transmitted herewith is a copy of a Substitute "Sequence Listing" in paper form (sheet 1/1) comprising SEQ ID NOS: 1-2 for the above-identified patent application as required by 37 C.F.R. §§ 1.825(a) and 1.821(c), and a copy of the Substitute "Sequence Listing" in computer readable form as required by 37 C.F.R. §§ 1.825(b) and 1.821(e).

Please replace the "Sequence Listing" filed on August 11, 2004 (sheet 1/1) with the attached Substitute "Sequence Listing."

As required by 37 C.F.R. § 1.825(b), Applicants' Attorney hereby states that the contents of the Substitute "Sequence Listing" in paper form and in the computer readable form submitted herewith are the same and, as required by 37 C.F.R. § 1.825(a), also states that the submission includes no new matter.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By  _____
N. Scott Pierce

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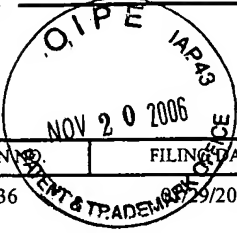
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/767,836 | 09/29/2004 | David L. Kaplan | 1322.1026-005 | 2982 |

21005 7590 09/26/2006

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CONCORD, MA 01742-9133

EXAMINER

ZEMAN, ROBERT A

ART UNIT PAPER NUMBER

1645

DATE MAILED: 09/26/2006

COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

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SEP 28 2006

HAMILTON, BROOK
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| APPLICATION NO./CONTROL NO. 10/767,836 | FILING DATE | FIRST NAMED INVENTOR /PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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Robert A. Zeman

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| ART UNIT | PAPER |
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1645

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Robert A. Zeman** whose telephone number is (571) 272-0866.

ROBERT A. ZEMAN
PRIMARY EXAMINER

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a ☐ Sequence Listing ☐ as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the Sequence Listing in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the Sequence Listing in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up Raw Sequence Listing.
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the Sequence Listing is not the same as the computer readable form of the ☐ Sequence Listing ☐ as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: the sequence listing of record does not properly list instant application and prior applications and their filing dates. See MPEP 2424.02.

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the Sequence Listing..
- ☐ An initial or substitute paper copy of the Sequence Listing, as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

~~For Rules Interpretation, call (703) 308-4216.~~

For CRF Submission Help, call (703) 308-4212

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